UNITED
NATIONS

CERD

International Convention on
the Elimination
of all Forms of
Racial Discrimination

Distr.
GENERAL

CERD/C/SR.1320
7 October 1999

ENGLISH
Original: FRENCH

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-fifth session

SUMMARY RECORD OF THE 1320th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 11 March 1999, at 10 a.m.

Chairman: Mr. ABOUL-NASR

later: Mr. YUTZIS

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GE.99-40841 (E)

The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 4) (continued)

Twelfth to fifteenth periodic reports of the Syrian Arab Republic (continued) (CERD/C/338/Add.1/Rev.1)

1. At the invitation of the Chairman, the members of the Syrian delegation resumed their places at the Committee table.

2. The CHAIRMAN invited the Syrian delegation to continue its replies to the questions raised at the preceding meeting.

3. Mr. AL-HUSSAMI (Syria), returning to the question of the granting of Syrian nationality to foreigners, said that, in fact, article 3 of the Nationality Act No. 276 of 24 November 1969 stipulated that Syrian nationality could be granted to children of unknown parentage or to children born to parents who were stateless or of unknown nationality. However, although children born in Syria of unknown parentage, including abandoned children, were automatically regarded as Syrian failing proof to the contrary, in the case of children born to parents who were stateless or of unknown nationality, certain conditions needed to be met. The parents had to prove that they were residing lawfully in Syria at the time of the birth, that the child was legitimate, i.e. born to parents who were legally married, and that the birth had actually taken place in Syria, which must be attested through the presentation of a birth certificate in due and proper form issued by the competent authorities and indicating the date and place of birth and the name and sex of the child, and through the statements of two witnesses who must be over 18 years of age. The parents, if stateless, must be known and must prove that they had no nationality or did not know their nationality, which obviously necessitated a thorough investigation.

4. The aim of the Act of November 1969 was to provide a solution for individual cases on humanitarian grounds and not to facilitate the illegal infiltration into Syria of foreigners seeking to obtain Syrian nationality for political or ethnic reasons.

5. The Syrian authorities could not therefore be accused of having, in a way, "denied" nationality to persons of Kurdish origin. They had merely applied the law to them in the same way as any other foreigner.

6. With regard to the use of the Kurdish language, the public authorities did not interfere in the private life of foreigners living in Syrian territory: the Armenians and the Assyrians were completely free to speak their language among themselves and the same applied to the Kurds. However, the authorities imposed Arabic as the official language, which was only natural since, in principle, every State had an official language. Civil servants had an obligation to use the Arabic language in the discharge of their functions and were called to order if they did not comply with that directive. He read out a circular issued by a local administrative authority to that effect.

7. With regard to the problem of the Jews, it was common knowledge that they had come to the Middle East in order to escape the discrimination and oppression of which they had been victims in Europe. Some of them had been living in Syria for a long time. However, following the creation of the State of Israel, the Palestinian people, whom Syria regarded as its brothers, had been expelled from their land and Israel had subsequently attacked Syria on several occasions. In that context, it was understandable that the Syrian Jews were exempt from military service. However, that in no way implied that Syrian citizens of Jewish origin were subjected to any form of ostracism. There were many tradesmen, engineers, intellectuals and physicians of Jewish origin in Syria who were well regarded by all and enjoyed excellent living conditions. Nevertheless, Jews who wished to leave Syria were free to do so and thousands of them had already left the regions of Aleppo and Damascus.

8. In that connection, it should be noted that, since the accession to power of the Baath Party, a person's religion was no longer mentioned on his identity card.

9. The situation of the Palestinians was very different. Three hundred and fifty thousand of them had sought refuge in Syria and it was common knowledge why they had not returned to their homes. The Syrian authorities did not grant them nationality because it had been deemed preferable, with their agreement, for them to retain their identity. In order to travel, they could obtain special travel documents. That did not prevent them from being treated on an equal footing with Syrian citizens in all matters relating to employment, education, health, housing, loans, etc. There were many Palestinian physicians, lawyers and engineers in Syria and the Syrian authorities adopted a protective attitude towards them: Syria consistently upheld the cause of the Palestinians throughout the world with a view to enabling them to eventually return home and exercise sovereignty over their own territory. He added that the Palestinian refugees cost Syria a large amount of money and the meagre budget of UNRWA was far from sufficient to meet their needs.

10. The Special Rapporteur had reproached Syria for not having prepared its report in conformity with the Committee's guidelines and for having provided brief and fragmentary information. Although that criticism was well-founded, the Ministry of Foreign Affairs was working on the basis of information provided by the country's other ministries and, since the report under consideration was the fifteenth that Syria had submitted, it was understandable that the ministries concerned saw no point in providing the same information year after year. It had to be admitted that Syria rarely had any new facts to notify to the Committee in regard to racial discrimination. In a fraternal society in which all the communities lived together harmoniously, problems of discrimination were not a major popular concern and the Government saw no reason to promulgate legislation in that connection, even if the members of the Committee found that unacceptable. He would nevertheless transmit the comments of CERD on that subject to his Government.

11. With regard to the rule of law in Syria, the sovereignty of the law was guaranteed by article 25 of the Syrian Constitution and citizens whose rights had been violated could apply to the Syrian tribunals for redress. The case law showed that complaints of ordinary citizens could be upheld even against

the highest authorities of the State. He referred to several cases in which large indemnities had been paid by ministries to individuals in respect of various infringements of their fundamental rights.

12. He said that the Supreme State Security Court had been established following the proclamation of the state of emergency in the country. Like all the high courts, it consisted of three judges, one of whom was a military officer. However, the military judge did not represent the army during the proceedings; his role was to deal with any questions relating to the army, for example when the offence had been committed within the framework of military activities or when the offender was a member of the army. In view of the sensitive nature of the cases considered by that body, its judgements were not subject to appeal but could not be enforced until they had been ratified by the Head of State, who could annul or modify the verdict.

13. Rights of defence formed the subject of Decree No. 47 of 1968, which guaranteed respect therefor.

14. Turning to the question of the reports published by NGOs such as Amnesty International or Human Rights Watch, he emphasized that the Government was endeavouring to dialogue with those organizations by replying to the letters that they sent and, sometimes, by inviting them to Syria in order to visit prisons, meet representatives of various ministries or attend trials. Although acknowledging the progress that Syria had made in the field of human rights, those organizations published reports referring to events on the subject of which the State had already provided explanations which, in Syria's view, deprived those reports of any credibility. In fact, those NGOs were subjecting the Syrian State to real political blackmail.

15. He also mentioned the Committee for the Defence of Human Rights and Democracy in Syria, which he accused of being an illegal organization that had committed numerous crimes since the early 1980s and which was impeding the maintenance of the rule of law in Syria. Some members of that politically motivated organization had already been tried in public, not for political reasons but due to assassinations that had been committed both in and outside Syrian territory.

16. In response to Mr. Garvalov's question concerning the Greek Orthodox and Catholics, he said that they were regarded as a religious and not a racial minority.

17. The committees for the defence of human rights functioned within academic establishments, particularly primary schools, and consisted of representatives of students and the director of the establishment. They participated in activities such as the celebration of various international days relating to human rights, women and children, etc. and played a very important role through the social assistance that they provided for the most disadvantaged children.

18. In response to the question raised by Mr. Diaconu concerning the nomadic tribes, he said that those groups, which had lived in Syria for a long time,

moved from one region to another and from one country to another. Although it was difficult to persuade them to become sedentary, the State was endeavouring to provide them with access to educational and social services.

19. In response to a member of the Committee who had inquired about the specific legislation concerning economic and social rights, he quoted several articles of the Constitution, including article 13, which stipulated the need to take account of the economic integration of all the population groups; article 14, which governed real property; article 15, which made provision for compensation in the event of expropriation of land by the State; article 26, which recognized the right of every citizen to participate in political, economic and cultural life; article 44, which called for protection of the family as the basic unit of society; and article 45, which dealt with health protection.

20. He hoped that the explanations that he had given would satisfy the members of the Committee whom, moreover, he wished to thank for the objective, moderate and balanced nature of their comments. For its part, the Syrian delegation had done its best to be as objective and positive as possible.

21. He concluded by assuring the Committee that, in the next report, he would make every endeavour to reply to the other questions raised by the experts, whom he once again thanked for the attention that they had kindly given to the consideration of the situation in the Syrian Arab Republic in regard to racial and ethnic discrimination.

22. The CHAIRMAN thanked Mr. Al-Hussami for his replies and requested that the legal texts that had just been mentioned be reproduced in the next report of the State party so that they could be examined by the Committee.

23. Speaking in his capacity as a member of the Committee on the subject of a comment made by Mr. Al-Hussami concerning the justification for the reports required by the Committee, he explained that, although racial or ethnic discrimination might be alien to them, countries should nevertheless adopt legislation prohibiting such discrimination, even if only to be ready to face the possibility of the commission of a racially motivated crime. It was not sufficient to merely ratify the Convention. Legislation should be promulgated to ensure its implementation. A tribunal could not pass a sentence in the absence of legal texts stipulating that a specific crime should be judged in accordance with a specific procedure and punished by a specific penalty. It was therefore important that the Ministry of Justice should take measures to that end.

24. Mr. de GOUTTES, pursuing the same question, said that Mr. Al-Hussami's remark concerning the difficulty that the Ministry of Foreign Affairs experienced in obtaining detailed information from other ministries, which did not appreciate the usefulness of preparing detailed reports, enabled the Committee to obtain a better understanding of the way in which governmental reports were prepared. He drew attention to the fact that, if the ministries concerned did not cooperate on the pretext that the State had no problems in the field in question, some reports might become mere facades consisting solely of a list of legal texts and not giving an account of the effective implementation of the Convention.

25. The Ministry of Foreign Affairs should therefore encourage those ministries to cooperate by reminding them of their obligations under the te of the international instruments to which their country had acceded. The Committee was counting on the Ministry of Foreign Affairs to exercise its influence to that end.

26. Finally, he noted Mr. Al-Hussami's lively responses concerning the ro of the NGOs mentioned by the members of the Committee. In that connection, said that it should be understood that those NGOs were fulfilling their mission of defending human rights in conformity with a logic of their own, which was often disturbing for any State.

27. Mr. SHAHI (Rapporteur for the Syrian Arab Republic) said that the dialogue with the Syrian delegation had been very constructive as it had no only enabled the State party to obtain a better understanding of the workin methods and the views of the Committee but had also made the latter more aw of the difficulties encountered by States parties in fulfilling their obligations concerning the preparation of reports on the implementation of international instruments to which they had acceded. He was pleased that t dialogue, which had been suspended since 1991, had resumed.

28. With regard to the scope of the Committee's jurisdiction, he said tha there was inevitably some overlapping between questions falling within the mandate of CERD and those with which the Human Rights Committee was concern since article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination protected a large range of fundamental right and freedoms. In fact, it was part of the Committee's functions to ascerta whether those rights were respected without discrimination and whether they were enjoyed by all sections of the population, including foreigners. Henc whenever cases of racially motivated arbitrary detention, unlawful arrest o unfair trial were brought to the Committee's attention, the Rapporteur had obligation to mention them in his report.

29. The Syrian delegation had also expressed the view that the Committee transcended its field of jurisdiction in regard to the question of women. explained that he had been struck by the fact that the Syrian Government wa according such importance to the emancipation of women and was endeavouring ensure that they enjoyed political, economic and social rights on an equal footing with men. He did not think that he had encroached on the prerogati of the Committee on the Elimination of Racial Discrimination in regard to women by welcoming the progress that the Syrian Government had made on that question.

30. He also noted, among the positive points, that the Syrian Government taken an initiative favourable to the development of trade-union activities acceding to several ILO conventions, particularly the Collective Bargaining Convention, which would undoubtedly have a positive impact on the situation members of minority or ethnic groups who were members of Syrian trade union

31. The members of the Committee had requested the Syrian delegation to provide details concerning the effects of the application of the state of emergency on the exercise of fundamental rights. Although it had challenge the Committee's jurisdiction in that connection, the delegation had

nevertheless indicated that that measure did not involve any restriction of the exercise of human rights in Syria. He thought that the concern expressed by the members of the Committee was legitimate, since that measure involved the creation of special courts and the granting of extensive powers to law-enforcement agencies and had given rise to allegations by members of ethnic groups and others concerning unfair trials and other violations. Hence, there was reason to believe that rights provided for in article 5 of the Convention, such as the right to nationality, freedom of movement, association and expression, had not been fully respected. The explanations that the Syrian delegation had provided on that subject would be taken into account in the Committee's conclusions.

32. With regard to the implementation of the provisions of the Convention in the Syrian legal system, the situation seemed fairly satisfactory insofar as the Penal Code and the Constitution respected the spirit and even the letter of the Convention, article 4 of which had been incorporated, in its virtual entirety, in the Code. In particular, Syrian law prescribed penalties for persons who violated the provisions of the Convention, which could therefore be evoked effectively before the tribunals.

33. During the consideration of the report, it had been found that Syria was implementing only part of article 2 of the Convention and its delegation had undertaken to report that shortcoming to the Syrian Government. On the other hand, the application of the provisions of article 3 was remarkable. However, the Syrian authorities should take care to ensure that any inequalities of income did not lead to de facto ethnic or racial segregation in view of the diversity of Syria's population.

34. The implementation of article 4 had likewise been found to be highly satisfactory, while the implementation of article 5, numerous provisions of which had been incorporated in the Constitution, had not suffered greatly from the application of the state of emergency. The implementation of article 6 seemed to be guaranteed by article 207 of the Penal Code, while the implementation of article 7 was particularly noteworthy given the academic programmes and the bodies for the defence of human rights, as well as the activities to stimulate public awareness concerning racism and discrimination, which existed in Syria.

35. He thought that the balance sheet of Syria's application of the Convention in its territory compared favourably with that of the majority of the most progressive developing countries. Notwithstanding some shortcomings, Syria was on the right track.

36. With regard to the form and content of periodic reports, he suggested that the Syrian authorities should follow the Committee's guidelines in that connection which were intended to facilitate the consideration of reports. He advised them, for example, to refer back to previous reports, to update articles as needed and to avail themselves, if necessary, of the technical and advisory services of the Office of the High Commissioner for Human Rights. Finally, he hoped that Syria's next periodic report would be submitted on time and would contain the additional information requested by the members of the

Committee, particularly concerning judicial practice in regard to the implementation of the Convention and the legislation governing nationality, stateless courts and missing persons.

37. The CHAIRMAN expressed his gratitude to the Syrian delegation for its efforts and the spirit in which it had participated in that exchange of views with the Committee. He hoped that the dialogue which had thereby been established would continue. He said that the Committee had thereby concluded its consideration of the twelfth to fifteenth periodic reports of the Syrian Arab Republic.

38. The Syrian delegation withdrew.

The meeting was suspended at 11.50 a.m. and resumed at 12 noon.

PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY WARNING MEASURES AND URGENT ACTION PROCEDURES (agenda item 3) (continued)

Consideration of the situation in the Czech Republic (CERD/C/348)

39. At the invitation of the Chairman, Mr. Uhl, Mr. Somol, Mr Krpač and Mrs. Schellongová (Czech Republic) took places at the Committee table.

40. The CHAIRMAN pointed out that the Government of the Czech Republic had submitted document CERD/C/348 in accordance with decision 2 (53) of 11 August 1998 in which the Committee requested the State party to provide it with information on measures that might be contemplated in certain municipalities and that could lead to the physical segregation of some residential units housing Roma families. He was pleased to note that the high-level delegation representing the Czech Republic was headed by Mr. Uhl, the Czech Republic's Representative for Human Rights.

41. Mr. SOMOL (Czech Republic) said that his country's delegation consisted of Mr. Uhl, the Czech Government's Representative for Human Rights; Mr. Krpač, legal adviser at the Ministry of Foreign Affairs; Mrs. Schellongová, of the Permanent Mission of the Czech Republic to the international organizations at Geneva; and himself, in his capacity as Permanent Representative and Ambassador of the Czech Republic.

42. Mr. UHL (Czech Republic) said that the function of the Government's Representative for Human Rights, which he was exercising, had been created in September 1998 by the new Government in order to fulfil its obligation to submit reports to the bodies established under the terms of international instruments to which the Czech Republic was a party. Since the Representative had been explicitly instructed to ensure that all his country's overdue reports were submitted to those bodies in 1999, a report on racial discrimination in the Czech Republic, part of which would address the matter that the Czech delegation had come to explain, would therefore be submitted to the Committee before the end of the year.

43. Concerning that matter, he summarized the main information that the Committee had received from his Government in document CERD/C/348, which

showed that the measure that the Committee found disturbing was a unique case which, as far as the Czech Government was aware, concerned only the municipality of Nestemice, situated at Usti nad Labem in northern Bohemia.

44. He said that the Czech Government believed that the fence which the municipality of Nestemice (100,000 inhabitants) intended to construct in order to deny direct access to Maticni Street from two neighbouring residential blocks in which the overwhelming majority (90 per cent) of the tenants were Roma, did not truly constitute an act of segregation although it did violate fundamental rights of the human person, particularly the right to dignity.

45. In order to explain the situation, he added that the residents of Maticni Street had complained to the municipality of annoyance (noise, sanitation problems) caused by the lifestyle (large families, constant movement) or the economic activities (recycling of used appliances) of the Roma families occupying the neighbouring residential blocks. The families in question, who often consisted of unemployed persons, depended largely on family allowances. It was undoubtedly political opportunism, rather than racism, that had prompted the municipality of Nestemice/Usti nad Labem, which was controlled by the Civic Democratic Party, to decide in September 1998 to construct a fence without gates with a view to winning the votes of a xenophobic or racist fringe of the electorate in the elections scheduled for November 1998. He had visited the locality on several occasions in order to attempt to reduce the tension between the parties concerned.

46. Since the Committee's request for information, the Czech Government, having examined the situation of 11 January 1999, had adopted the resolution annexed to document CERD/C/348 which had been signed by the Deputy Prime Minister and Chairman of the Legislative Council, the Minister for Foreign Affairs, the Government's Representative for Human Rights and the head of the District Office in Usti nad Labem. That text expressed a desire to oppose the construction of the fence in order to protect the constitutional rights that might be violated by that measure, particularly the right to human dignity.

47. The Government had begun discussions with the local elected representatives and was attempting to implement a social programme proposed by a non-governmental organization. For example, a survey of the Roma families had been initiated with a view to providing the members of that community with employment, housing and retraining opportunities and granting Czech citizenship to those who did not already hold it. No one was seriously contemplating the construction of a fence; the real need was rather for community centres and, in particular, sports facilities. At all events, the Government would take legal action against the municipality if the latter decided to construct a fence. The fact that the Parliament had hitherto won most of the cases (19 out of 24) in which it had demanded the annulment of local decisions augured well, since the Government intended to use every legal means at its disposal in order to ensure that rights were respected in the matter in question. It would provide the Committee with all the information that the latter might need either during the session or in the report that it would be submitting to the Committee before the end of the year.

48. By way of historical background, he pointed out that, on the occasion of the consideration of the initial report and the second periodic report of the Czech Republic, he had submitted to the Committee an "alternative report" on the application of the Convention in his country, which had been prepared in collaboration with Mrs. Schellongová within the framework of the Helsinki Committee. His convictions concerning racism and xenophobia in his country had not changed since he joined the Government.

49. Mr. KRPAČ (Czech Republic) said that, in the light of the recommendations made by the Committee in March 1998, his country had initiated legislative procedures to obtain recognition of the Committee's competence to receive or consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation of any of the rights set forth in the Convention (art. 14). That procedure, which was in the hands of the Council for Nationalities, should be completed before the end of the year.

50. The CHAIRMAN said that he did not have a precise idea of the functions of the Czech Republic's Commissioner for Human Rights was. Did he act as an ombudsman? Moreover, what was the exact meaning of the Helsinki process?

51. Mr. UHL (Czech Republic) explained that the Helsinki Committee was affiliated to a non-governmental organization, established in the country, of which he had been a member until last September, his wife having been the vice-president. That non-governmental organization had submitted an "alternative report" to the Committee one year ago. The last elections had brought the Social Democratic Party to power and the present Government had decided to create the post of Commissioner for Human Rights. He said that he had been appointed to that post but was not acting as an ombudsman since he was not independent of the Government. In fact, the Commissioner formed part of a governmental team and presided over four councils: the Government's Consultative Council, the Council of National Minorities, the Inter-Ministerial Commission for the Affairs of the Roma Community and the Council for Human Rights. The latter Council, which had been established recently, was empowered to propose legislative amendments to the President and to suggest that the Government take executive measures in particular ministries. The President could refer questions concerning violations of human rights to the Council, which could also look into such questions on its own initiative, although it did not deal with individual cases of violations of human rights. The Government was currently studying a bill of law which provided for the establishment of a post of mediator or ombudsman and which was soon to be transmitted to the Parliament for approval.

52. Mr. Yutzis took the Chair.

53. Mr. DIACONU (Rapporteur for the Czech Republic) welcomed the fact that the Czech Commissioner for Human Rights had belonged to a non-governmental organization which, in his time, had criticized the Government. Mr. Uhl therefore knew better than anyone what the Committee expected of the Governments of States parties to the Convention.

54. He recalled that, on 11 August 1998, the Committee had decided to request the Government of the Czech Republic to provide it with information on

the measures that, according to disturbing reports, were contemplated in certain Czech municipalities and that could lead to a physical isolation of some residential units housing Roma families.

55. According to the delegation's reply, the Government viewed the proposal of the local authority at Usti nad Labem to construct a fence separating Roma families from persons of another ethnic origin as grave and alarming. Some declarations by the local authorities suggested that that decision might be revoked and the Czech Commissioner for Human Rights had just informed the Committee of the Government's determination to annul that decision.

56. Discussions had been held between the Government's representative, the members of the local authority and the Roma, the Roma tenants concerned having themselves entered into a dialogue with the representatives of the local authority through their own association. They had also removed the garbage littering the street, which was one of the reasons that had prompted the non-Roma residents to call for the construction of a fence. That demonstrated a desire to settle the dispute through moderation and conciliation.

57. The Government had instructed its representative for human rights to discuss with the local authorities the imperative need to respect human rights and had requested him to report to it before the construction of the fence began.

58. However, it might be wondered why the Government had decided not to examine the legal measures that would enable it to oppose the construction of that fence unless the work thereon actually began. Why had the Government not decided to contest the legality of that decision and why had it not demanded its annulment since, under the Czech constitutional system, there was apparently a procedure for the annulment of a decision taken by a local authority?

59. He noted that the resolution adopted by the Government on 11 January 1999 related to the position of the Czech authorities regarding the question raised by the Committee rather than to a clear position regarding the decision to build that fence. Moreover, the Government's reply seemed hesitant concerning the nature and the presentation of the circumstances that had led to that situation. Even though it was now certain, as the delegation had just confirmed, that the fence would never be constructed, the significant aspect, in the Committee's view, was the fact that a local authority had taken such a decision.

60. Although it was commendable that the Government seemed anxious not to detract from the town's autonomy, it should not be forgotten that the State and, consequently, the Government was responsible for the application of the Convention in its territory. In fact, under the terms of article 2, paragraph 1 (a), of the Convention, "each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation". Subparagraph (c) further stipulated that "each State Party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the

effect of creating or perpetuating racial discrimination, wherever it exists". In other words, local autonomy could not justify lack of action in that case. The Committee had just received an assurance from the delegation that legal action would be taken, if necessary, in order to annul that decision.

61. The municipality of Usti nad Labem seemed to be the locality where the Czech authorities had the greatest difficulty in protecting and ensuring respect for the rights of the Roma. Moreover, in April 1994, the Czech Constitutional Court had been obliged to annul an order by that municipality requiring prior authorization for any temporary residence of more than five days. At the time, everyone had acknowledged that that measure targeted the Roma. Notices that had been posted in that town had also encouraged the Roma to leave the country for Canada and financial aid had even been granted to them to that end.

62. The Committee might take note of the determination that the Czech Government had shown in that matter and might request that the next periodic report of the Czech Republic, due in February 1998, contain precise information concerning the manner in which that question was settled. Other measures taken or contemplated by the authorities for the benefit of the Roma at the national level, in regard to citizenship, or at the local level, in regard to social programmes, should also be commended.

63. Mr. RECHETOV welcomed the fact that the report of the Czech Republic had accorded special attention to the questions raised by the Committee. He said that the concept of distribution of powers between a country's central and local authorities did not form part of the international human rights standards. Every State was responsible, under the international obligations that it had freely contracted, for the violations committed in its territory. He pointed out that article 4 (c) of the Convention stipulated that States parties undertook "not to permit public authorities or public institutions, national or local, to promote or incite racial discrimination".

64. He recalled that, during the consideration of the report of the Russian Federation, he had said that the acts of racial discrimination perpetrated against the Caucasians, even in remote areas of the country, should be condemned under international law and under the International Convention on the Elimination of All Forms of Racial Discrimination.

65. Noting that the delegation had mentioned persons living in Czech territory who had not been granted Czech citizenship, he wished to know whether the delegation was referring to the gypsies. How long had those persons been living in Czech territory? Had they arrived before the break-up of Czechoslovakia?

66. Mrs. McDOUGALL wondered whether the Czech Government knew of any other localities that were contemplating the adoption of a similar policy of segregation of the Roma. If so, had it decided to conduct investigations? What measures had the authorities taken to inform the local authorities of the obligations that the Government had contracted under the Convention? Had the Government informed the local authorities of its viewpoint concerning such practices and of its desire to take rapid and decisive measures to discourage any attempt of that type.

67. Mr. de GOUTTES said that the unfortunate decision taken by the municipality of Usti nad Labem was a particularly grave and disturbing matter since other similar measures had also been contemplated elsewhere, not only in the Czech Republic but also in other countries such as France, even if those measures had not been put into effect there. The solution adopted by the Czech authorities would be especially important as it would set a precedent and an example for other municipalities which might be tempted to consider such solutions.

68. In that context, he wondered why the Government had not decided to immediately institute proceedings for the annulment of the decision to construct the fence. Although he clearly understood that the Government had preferred to seek cooperation and dialogue and avoid humiliating the local authorities, he emphasized that, in his opinion, the annulment of that decision would have enabled the Government to give a clear affirmation of its refusal to compromise on the question of human dignity. It would also have enabled the Government to exclude any possibility of the construction of that fence.

69. He also wished to know whether the majority of the population of that locality were truly in favour of the decision taken by the municipality or whether they were now willing to adopt the Government's position. He welcomed the fact that the delegation had assured the Committee that the country would soon be submitting its periodic report and that the procedure for recognition of the Committee's competence in accordance with article 14 of the Convention had already begun.

70. Mr. SHERIFIS said that the Government had an obligation to respect the provision contained in article 2, paragraph 1 (c), of the Convention in which States were required to "take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists". What measures did the Czech Government therefore intend to take in order to avoid the recurrence of such situations elsewhere? He regarded that situation as unacceptable in the present day and age and said that every State party, including the Czech Republic, should take preventive measures in the field of discrimination.

71. He also requested the delegation to indicate whether the country had taken the measures recommended by the Committee on 18 March 1998 following the consideration of the periodic report of the Czech Republic, particularly those suggesting that "further action be taken by the State party to ensure that the provisions of the Convention are more widely publicized, particularly among minority groups, government officials and the police ... and to ensure the wide dissemination of ... the concluding observations of the Committee" (A/53/18, para. 135).

72. He welcomed the fact that the Czech Government had begun the legislative procedure for recognition of the Committee's competence to consider complaints from individuals (art. 14). Did the Government intend, as suggested by the Committee in March 1998, to "ratify the amendments to article 8, paragraph 6, of the Convention" (ibid., para. 136) concerning assumption of responsibility for the expenses of the members of the Committee by the States parties?

73. Mr. GARVALOV said that he was impressed not only by the promptit which the Czech Government had replied to the Committee's requests con the decision taken by a municipality, but also by the positive nature explanations. However, it should be pointed out that the Czech Republ State party to the Convention, must be aware of the binding force of article 4. Faced with that type of situation, the Czech State should reacted and immediately revoked the decision of the municipality of Usti nad Labem, since the fact that the Government had not wished to h the municipality implied that the decision by the town could still be as it had not been revoked.

74. Moreover, he found it unacceptable that laws could be infringed State or individual, even if local authorities so desired. Two import aspects of that matter should be borne in mind: firstly, the expulsio Roma families from their previous dwellings for non-payment of rent an secondly, the dumping of garbage on a public thoroughfare.

75. The CHAIRMAN said that the Committee would continue and conclude consideration of the situation in the Czech Republic at the next meeti

The meeting rose at 12.55 p.m.